

WEDNESDAY, APRIL 6, 1994

EIGHTY-THIRD LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Roger Sickmiller, Crossville, Tennessee.

Representative Duer led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Venable; out-of-state business.

Representative Brooks; March 30, 1994, funeral of Sen. Ford's mother.

RECOGNITION

Speaker Naifeh recognized Ms. Senior Tennessee Margie Tabor, Crossville, Tennessee and Reps. Duer and Hillis and Sen. O'Brien in the well for remarks.

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MESSAGE FROM THE SENATE

April 5, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 306 and 390; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 0306** -- General Assembly, Directed Studies -- Directs Council on Pensions and Retirement to study appropriate retirement benefits for public safety officers. by *Crowe, *Cooper.

***Senate Joint Resolution No. 0390** -- Memorials, Government Officials -- Urges county governments to erect signs on county roads stating that abandonment of live or dead animals is criminal misdemeanor offense and further stating penalties for violation thereof. by *Jordan, *Gilbert.

MESSAGE FROM THE SENATE

April 5, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 145, 980, 2351, 2524, 2777 and 2785; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 0145** -- Criminal Offenses -- Authorizes T.B.I. to investigate destruction of property by explosives. Amends TCA, Titles 4, 8, 38, 57, 65, 68, 70. by *Cohen.

***Senate Bill No. 0980** -- Courts -- Creates Missouri Plan system for supreme court justices and state trial court judges. Amends TCA 4-29-216; Title 16, Ch. 2, Pt. 5; Title 17, Ch. 4. by *Wilder.

***Senate Bill No. 2351** -- Judgments -- Establishes interest rate on judgments to be 2 percent above average prime loan rate rather than fixed 10 percent rate. Amends TCA, Title 47, Ch. 14. by *Jordan.

***Senate Bill No. 2524** -- Gambling -- States that certain persons and common carriers do not commit criminal offense when in possession of lottery tickets originating from state in which lotteries legal. Amends TCA, Title 39, Ch. 17, Pt. 5. by *Ford.

Senate Bill No. 2777 -- Education -- Adds development of discipline program for disruptive students as authorized activity for extended contract; includes assessment of civil penalty if parent or guardian fails to cooperate with school personnel. Amends TCA, Title 37, Ch. 1, Pt. 1, 49-5-5209. by *Springer.

Senate Bill No. 2785 -- Tort Liability -- Caps liability on

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excursion train operations at \$5 million. Amends TCA, Title 65, Ch. 6, Pt. 1. by *Henry.

**REPORT OF CHIEF ENGROSSING CLERK
April 5, 1994**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 1768, 1876, 1959, 2238, 2364, 2532, 2544, 2545 and 2748; also, House Joint Resolution(s) No(s). 454, 552, 553, 555, 557, 559 and 563.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR
April 5, 1994**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2169, 2199, 2538, 2576, 2717, 2840, 2859, 2867, 2872, 2875, 2877, 2878 and 2880; also, House Joint Resolution(s) No(s). 521, 522, 524, 525, 526, 527, 530, 531, 532, 533, 535 and 536; with his approval.

DIANNE F. NEAL, Counsel to the Governor.

**SIGNED
April 5, 1994**

The Speaker signed the following: Senate Bill(s) No(s). 1765, 1899, 1948, 1951, 1971, 2440, 2663, 2727 and 2759; also, Senate Joint Resolution(s) No(s). 387, 388, 394, 396, 398 and 405.

**ENROLLED BILLS
April 5, 1994**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 1112, 1380, 2021, 2138, 2240, 2348 and 2488; House Joint Resolution(s) No(s). 371, 415, 432, 434, 472, 492, 493, 502 and 503; also, House Resolution(s) No(s). 166.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
April 5, 1994**

The Speaker signed the following: House Bill(s) No(s). 1112, 1380, 2021, 2138, 2240, 2348 and 2488; House Joint Resolution(s) No(s). 371, 415, 432, 434, 472, 492, 493, 502 and 503; also, House Resolution(s) No(s). 166.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

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RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Thursday, April 7, 1994:

House Resolution No. 0172 -- Memorials, Retirement -- Nell Dawson. by *Coffey.

House Resolution No. 0173 -- Memorials, Interns -- Joe T. "Jody" Allison, Sr. by *Liles, *McKee, *Anderson.

House Resolution No. 0174 -- Memorials, Interns -- Willie L. Talley. by *Dixon, *Armstrong, *Pruitt.

House Resolution No. 0175 -- Memorials, Death -- Maxine Carver. by *Davis Ronnie.

House Resolution No. 0176 -- Memorials, Sports -- 1993-1994 Oneida High School girls' basketball team, TSSAA Class A state champions. by *Winningham.

House Joint Resolution No. 0632 -- Memorials, Public Service -- Cam Metcalf. by *Hillis.

House Joint Resolution No. 0634 -- Memorials, Interns -- Joseph Andrew Kirpatrick. by *Haley, *Shirley, *Ramsey.

House Joint Resolution No. 0635 -- Memorials, Death -- James Baker "J.B." McCaleb. by *Rinks, *Crain, *Rhinehart.

House Joint Resolution No. 0636 -- Memorials, Professional Achievement -- Heather M. Gothard, Upper Cumberland District Teacher of the Year. by *Winningham.

House Joint Resolution No. 0637 -- Memorials, Personal Occasion -- Hank Johnson, 100th birthday. by *Whitson.

House Joint Resolution No. 0639 -- Memorials, Death -- L.B. Sutton, Jr. by *Anderson, *Owenby.

House Joint Resolution No. 0640 -- Memorials, Professional Achievement -- Larry Boone, country music artist. by *Ridgeway.

House Joint Resolution No. 0641 -- Memorials, Interns -- Brandi Jeanine McDaniel. by *Jones R, *Love, *Tindell.

House Joint Resolution No. 0642 -- Memorials, Death -- J.B. Lambert. by *Anderson, *Owenby.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

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***House Joint Resolution No. 0633** -- Memorials, Congress -- Memorializes President and Congress to refrain from including employer mandates as part of any health care reform legislation. by *McDaniel, *Davidson, *Bragg, *Rinks, *Bittle, *Peroulas Draper, *Bell, *Cole Ralph, *Arriola, *Stamps, *Coffey, *Jackson, *Haun, *Stockburger, *Haley, *Ritchie, *Boyer, *Garrett, *Williams Micheal, *Joyce, *Collier, *Ramsey, *Cole Ronnie, *Hassell, *Ferguson, *Meyer, *Williams Mike, *Allen, *Pinion, *McKee, *Napier, *Westmoreland, *Stulce, *Liles, *Head, *Walley, *Johnson, *Halteman Harwell, *Lewis, *Shirley, *Kisber.

Health and Human Resources Committee.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 0306** -- General Assembly, Directed Studies -- Directs Council on Pensions and Retirement to study appropriate retirement benefits for public safety officers.

Finance, Ways and Means Committee.

***Senate Joint Resolution No. 0390** -- Memorials, Government Officials -- Urges county governments to erect signs on county roads stating that abandonment of live or dead animals is criminal misdemeanor offense and further stating penalties for violation thereof.

Agriculture Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 2905 -- McKenzie -- Authorizes McKenzie High School District to borrow money against anticipated revenues. Amends Chapter 533, Private Acts of 1917, as amended. by *Herron, *Phelan, *Ridgeway.

House Bill No. 2906 -- White Pine -- Rewrites charter. Repeals Chapter 309, Private Acts of 1915, as amended. by *Davis Ronnie.

House Bill No. 2907 -- Medon -- Revises charter. Repeals Chapter 360, Private Acts of 1915, as amended. by *Kisber, *McDaniel.

SENATE BILLS ON FIRST CONSIDERATION

On motion, the bills listed were held on the Clerk's desk pending third consideration of the Companion House Bill:

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***Senate Bill No. 0145** -- Criminal Offenses -- Authorizes T.B.I. to investigate destruction of property by explosives. Amends TCA, Titles 4, 8, 38, 57, 65, 68, 70. (HB 1197).

***Senate Bill No. 0980** -- Courts -- Creates Missouri Plan system for supreme court justices and state trial court judges. Amends TCA 4-29-216; Title 16, Ch. 2, Pt. 5; Title 17, Ch. 4. (HB 1398).

***Senate Bill No. 2351** -- Judgments -- Establishes interest rate on judgments to be 2 percent above average prime loan rate rather than fixed 10 percent rate. Amends TCA, Title 47, Ch. 14. (HB 2177).

***Senate Bill No. 2524** -- Gambling -- States that certain persons and common carriers do not commit criminal offense when in possession of lottery tickets originating from state in which lotteries legal. Amends TCA, Title 39, Ch. 17, Pt. 5. (HB 2521).

Senate Bill No. 2777 -- Education -- Adds development of discipline program for disruptive students as authorized activity for extended contract; includes assessment of civil penalty if parent or guardian fails to cooperate with school personnel. Amends TCA, Title 37, Ch. 1, Pt. 1, 49-5-5209. (*HB 2444).

Senate Bill No. 2785 -- Tort Liability -- Caps liability on excursion train operations at \$5 million. Amends TCA, Title 65, Ch. 6, Pt. 1. (*HB 2604).

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 2903 -- Hohenwald -- Held on Clerk's desk pending approval by local delegation.

REPORTS FROM STANDING COMMITTEES

The committees that met on April 5, 1994, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the Regular Calendar for Wednesday, March 6, 1994: House Bill(s) No(s). 2527, 2526, 2261, 2533, 2759, 2351, 2352, 2244, 2210, 2072, 2392, 2225, 2439, 1816 and 2029.

The Committee set the following bills on the Regular Calendar for Thursday, April 7, 1994: House Bill(s) No(s). 2808, 2775, 2772, 2773, 2342, 2339, 2866, 2343, 2340 and 2338.

The Committee set the following bill(s) and/or resolution(s) on

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the Consent Calendar for Wednesday, April 6, 1994: House Bill(s) No(s). 2554, 2437, 2871 and 2458.

AGRICULTURE

The Agriculture Committee recommended for adoption; House Joint Resolution(s) No(s). 586, 587 and 589. Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMERCE

The Commerce Committee recommended for passage: House Bill(s) No(s). 2306, 2841 and 2844; also, House Bill(s) No(s) 2463, 2507, 2415, 2418, 2804 and 1231 with amendment(s); for adoption, House Joint Resolution(s) No(s). 564. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2681. Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

EDUCATION

The Education Committee recommended for adoption: House Joint Resolution(s) No(s). 590 and 591; also, for passage: House Bill(s) No(s). 2485, 2444, 1644 and 2616 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1030; House Bill(s) No(s) 2443, 2617 and 2767 with amendments; also, House Joint Resolution(s) No(s) 506; Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2042, 1135 and 2546; House Bill(s) No(s). 1734, 2581, 192 and 2680 with amendment(s); also, for adoption, House Resolution(s) No(s). 139. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 1967, 2196 and 1961 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 2431, 2648 and 2285 with amendment(s); for adoption: House Resolution(s) 167; House Joint Resolution(s) No(s). 592, 593, 594, 595, 596 and 474; House Joint

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Resolution (s) No(s). 416 with amendments; for concurrence: Senate Joint Resolution(s) No(s). 379;. Under the rules, each was transmitted to the Calendar and Rules Committee.

We further report that House Bill No. 1895 was considered but failed to pass.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 2303; for adoption: House Joint Resolution(s) No(s). 540; House Joint Resolution (s) No(s). 427, 561 and 562 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Resolution(s) No(s). 157. Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on April 6, 1994, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the Regular Calendar for Thursday, April 7, 1994: House Bill(s) No(s). 2556, 2500, 2394, 2220, 764 and 2093.

The Committee set the following bills on the Regular Calendar for Monday, April 11, 1994: House Bill(s) No(s). 2442, 1717, 2153, 1766, 1247, 2568, 1313, 1887, 2049, 2566 and 2412.

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for Thursday, April 7, 1994: House Bill(s) No(s). 2555, 2499, 2215, 1760, 2242; also, House Joint Resolution(s) No(s). 554, 363 and 508.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 2173, 2117, 1077 and 1035 with amendment(s); for adoption: House Joint Resolution(s) No. (s). 537. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2834 with amendments. Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 2643 and 1896; also, House Bill(s) No(s). 2465, 2282, 2613 and 1398 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 38, 411, 2541 and 2459 with amendments. Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

CONSENT CALENDAR

***House Resolution No. 0168** -- Memorials, Recognition and Thanks -- Governor Ned McWherter, Speaker Emeritus of the Tennessee House of Representatives.

House Resolution No. 0169 -- Memorials, Public Service -- Fannalea Cross, Rotary Citizen of the Year.

House Resolution No. 0170 -- Memorials, Sports -- 1993-1994 South Greene girls' basketball team, TSSAA Class AA state tournament runner-up.

House Joint Resolution No. 0618 -- Memorials, Academic Achievement -- Munford High School Academic Decathlon Team, placed second in state competition.

House Joint Resolution No. 0619 -- Memorials, Public Service -- John T. "Tommy" Akin, Tennessee Wildlife Resources Commission.

House Joint Resolution No. 0620 -- Memorials, Public Service -- Commissioner Harold "Hoot" Gibson, Tennessee Wildlife Resources Commission.

House Joint Resolution No. 0621 -- Memorials, Interns -- Tony Centofante.

House Joint Resolution No. 0622 -- Memorials, Personal Occasion -- Mr. and Mrs. A.B. Freytag, 50th wedding anniversary.

House Joint Resolution No. 0623 -- Memorials, Interns -- Sherry D. Mathias.

House Joint Resolution No. 0624 -- Highway Signs -- "William J. Peeler Road," segment of Pittle Warren Road, Humphreys County.

House Joint Resolution No. 0625 -- Memorials, Personal Occasion -- Cling West, 95th birthday.

House Joint Resolution No. 0626 -- Memorials, Professional Achievement -- Alan D. Powell, Metro Middle School Teacher of the Year.

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House Joint Resolution No. 0627 -- Memorials, Professional Achievement -- Pamela Jean Burish, Metro Elementary Teacher of the Year.

House Joint Resolution No. 0628 -- Memorials, Professional Achievement -- Pamela J. Groom, Metro Teacher of the Year.

House Joint Resolution No. 0629 -- Memorials, Recognition and Thanks -- Sam Posey, Sr.

House Joint Resolution No. 0631 -- Memorials, Retirement -- Paul Hicks.

Senate Joint Resolution No. 0359 -- Memorials, Public Service -- Elaine McReynolds, Commissioner of Commerce and Insurance.

Senate Joint Resolution No. 0432 -- Memorials, Sports -- 1993-1994 Science Hill High School boys' basketball team, TSSAA Class AAA state champions.

House Resolution No. 0171 -- Memorials, Professional Achievement -- Inez Crutchfield, Athena Award winner.

House Bill No. 2879 -- Shelby County -- Increases from \$1.50 to \$2.00 the fee imposed on all cases in all courts to finance county governmental library. Amends Chapter 275, Private Acts of 1970, as amended.

House Bill No. 2554 -- Youth Development, Dept. of -- Increases number of participants in model programs from 25 to 35. Amends TCA, Title 4, Ch. 3, Pt. 26.

On motion, House Bill No. 2554 was made to conform with **Senate Bill No. 2392**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2437** -- Criminal Offenses -- Makes sale, transfer or conveyance of certain items to metals recycling facility without signed written acknowledgement Class B misdemeanor. Amends TCA, Title 39, Ch. 17.

On motion, House Bill No. 2437 was made to conform with **Senate Bill No. 2575**; the Senate Bill was substituted for the House Bill.

House Bill No. 2871 -- Hardeman County -- Transfers duties and records of juvenile court clerk from county clerk to clerk of circuit court.

***House Bill No. 2458** -- Courts, General Sessions -- Repeals provision placing juvenile jurisdiction in Dyer County in trial level court; places it in general sessions court of Dyer County. Amends TCA 16-2-506.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

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House Joint Resolution No. 624: The Clerk announced that this resolution had been placed on the Consent Calendar in error.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 2172 -- Historical Commission -- Establishes Tennessee Wars Commission.

On motion, House Bill No. 2172 was made to conform with **Senate Bill No. 1832**; the Senate Bill was substituted for the House Bill.

Rep. McDaniel moved that **Senate Bill No. 1832** be passed on third and final consideration.

Rep. R. Jones (Shelby) moved to adopt Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 1832 by changing the period at the end of subdivision (a)(7) of Section 2 to a semi-colon, and by adding the following language as new subdivisions:

(8) Ensure that all literature produced by the commission adequately reflects the role of African Americans in the American revolution and contributions on both sides of the civil war;

(9) Ensure the opportunity for adequate participation in the activities of the commission by African Americans.

On motion, Amendment No. 1 was adopted.

Rep. McDaniel moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 1832 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. In the conduct of its affairs, the commission shall comply with all laws, policies and regulations applicable generally to state agencies, with specific reference made to the laws, policies and regulations applicable to the Historical Commission. Furthermore all loans shall be subject to the approval of the state funding board and all land acquisitions and dispositions shall be subject to the approval of the building commission.

On motion, Amendment No. 2 was adopted.

Rep. McDaniel moved to adopt Amendment No. 3 as follows:

Amendment No. 3

Amend Senate Bill No. 1832 by deleting subsection (a) in Section 5 and substituting the following

(a) The members of the commission shall receive no salary but shall be reimbursed necessary travel and per diem expenses as prescribed in comprehensive travel regulations by the commissioner of finance and administration for employees of the state of Tennessee.

On motion, Amendment No. 3 was adopted.

Rep. McDaniel moved that Senate Bill No. 1832, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0
Present and not voting.	3

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Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Brooks, Brown, Love -- 3.

A motion to reconsider was tabled.

House Bill No. 2430 -- Election Laws -- Revises law concerning absentee voting; authorizes early voting. Amends TCA, Title 2, Chs. 2, 3, 5--7, 12, 19.

Further consideration of House Bill No. 2430, previously considered on March 30, 1994, at which time it was reset to the Calendar for April 6, 1994.

Rep. Purcell moved that House Bill No. 2430 be reset one week to the Calendar for Wednesday, April 13, 1994, which motion prevailed.

House Bill No. 2147 -- Barbers -- Updates requirements for barbershop registration, barber school examinations and certification for barber schools and instructors. Amends TCA, Title 62, Ch. 3.

Rep. Arriola moved that House Bill No. 2147 be passed on third and final consideration.

Rep. Severance moved to adopt Amendment No. 1, which motion he then withdrew.

Rep. Arriola moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 2147 by redesignating the second SECTION 11 of the printed bill as "SECTION 12" and by renumbering subsequent sections accordingly.

On motion, Amendment No. 2 was adopted.

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Rep. Arriola moved that **House Bill No. 2147**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 1719** -- Telecommunications -- Establishes requirements and qualifications for public safety dispatchers who receive requests for, or dispatch, emergency aid resources. Amends TCA, Title 7, Ch. 86, Pt. 1.

Further consideration of **House Bill No. 1719**, previously considered on March 31, 1994, at which time Amendment No. 1 was adopted, and the bill was reset to the Calendar for April 6, 1994.

Rep. Callicott moved that **House Bill No. 1719** be passed on third and final consideration.

Rep. Callicott renewed the motion to adopt Amendment No. 1, previously filed, which motion prevailed.

Rep. Callicott moved that **House Bill No. 1719**, as amended, be passed on third and final consideration.

Rep. U. Jones (Shelby) moved the previous question, which motion prevailed.

Rep. Callicott moved that **House Bill No. 1719**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	2

Representatives voting aye were: Allen, Anderson, Armstrong,

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Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Buck, Pinion -- 2.

A motion to reconsider was tabled.

House Bill No. 2890 -- Fentress County -- Restructures board of education to comply with Education Improvement Act; increases size from five to nine members. Repeals Chapter 251, Private Acts of 1975, as amended.

Rep. Windle requested that House Bill No. 2890 be moved to the heel of the Calendar.

***House Joint Resolution No. 0466** -- General Assembly, Statement of Intent or Position -- Urges U.S. Secretary of Housing and Urban Development and Community Enterprise Board to act favorably upon the City of Knoxville's applications for "empowerment zone" and "enterprise community" designations.

Mr. Speaker Naifeh requested that House Joint Resolution No. 466 be moved down 3 places on the Calendar.

House Bill No. 1937 -- Firearms and Ammunition -- Enacts "Child and Public Protection Act of 1994". Amends TCA, Title 39, Ch. 17, Pt. 13.

Rep. Pruitt requested that House Bill No. 1937 be moved down 5 places on the Calendar.

***House Bill No. 2350** -- Alcoholic Offenses -- Redefines offense of flying under influence of an intoxicant; establishes implied consent for blood alcohol testing of persons acting as crew men of airplanes; establishes penalty for refusing to take such test. Amends TCA, Title 42, Ch. 1, Pt. 2.

On motion, House Bill No. 2350 was made to conform with Senate Bill No. 2572; the Senate Bill was substituted for the House Bill.

WEDNESDAY, APRIL 6, 1994 -- EIGHTY-THIRD LEGISLATIVE DAY

Rep. Johnson moved that **Senate Bill No. 2572** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1688 -- District Attorneys -- Creates additional assistant district attorney general position for 22nd judicial district. Amends TCA 16-2-506.

On motion of Rep. Napier, House Bill No. 1688, as amended, was reset one week to the Calendar for Wednesday, April 13, 1994.

***House Joint Resolution No. 0466** -- General Assembly, Statement of Intent or Position -- Urges U.S. Secretary of Housing and Urban Development and Community Enterprise Board to act favorably upon the City of Knoxville's applications for "empowerment zone" and "enterprise community" designations.

Rep. Armstrong requested that House Joint Resolution No. 466 be moved down 5 places on the Calendar.

House Bill No. 1937 -- Firearms and Ammunition -- Enacts "Child and Public Protection Act of 1994". Amends TCA, Title 39, Ch. 17, Pt. 13.

Rep. Pruitt requested that House Bill No. 1937 be moved to the heel of the Calendar.

***House Bill No. 1878** -- Highways, Roads and Bridges -- Adds South Knoxville Boulevard to Scenic Highway System. Amends TCA, Title 54, Ch. 17.

WEDNESDAY, APRIL 6, 1994 -- EIGHTY-THIRD LEGISLATIVE DAY

On motion, House Bill No. 1878 was made to conform with **Senate Bill No. 2256**; the Senate Bill was substituted for the House Bill.

Rep. Ritchie moved that **Senate Bill No. 2256** be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 2256 by deleting the amendatory language of Section 1 and by substituting instead the following:

() South Knoxville Boulevard (a project, now under construction in part and in design in part) between the Relocated Sevier Avenue and Chapman Highway in Knoxville;.

On motion, Amendment No. 1 was adopted.

Rep. Ritchie moved that **Senate Bill No. 2256**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 2527 -- Paternity --** Defines guidelines for establishing paternity and enforcing support duties to comply with Public Law 103-66. Amends TCA, Title 24, Ch. 7, Pt. 1; Title 36, Ch. 2, Pts. 1, 2; Title 36, Ch. 5, Pts. 1, 2; Title 68, Ch. 3, Pts. 2, 3.

Rep. Purcell moved that House Bill No. 2527 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2527 (a) by deleting Section 1 in its entirety and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 7, Part 1, is amended by adding the following language as a new appropriately numbered section:

T.C.A. Section 24-7-11____. (a) A voluntary acknowledgement of paternity which is completed under the provisions of Sections 68-3-203(g), 68-3-302, or 68-3-305(b) or under similar provisions of another state or government, when certified by the state registrar or other governmental or institutional entity maintaining the record of the acknowledgement shall constitute a rebuttable presumption of paternity of the individual named as the father of the child in the acknowledgement, and the acknowledgement shall be admissible as evidence of that individual's paternity.

(b) The entry of an order of legitimation or an order of support or paternity which is based upon the completion of the voluntary acknowledgement of paternity under Sections 68-3-203(g), 68-3-302, or 68-3-305(b) shall cause the rebuttable presumption to become conclusive, unless prior to the entry of such order the father seeks an order for paternity tests pursuant to Section 36-2-202 on the issue of paternity and pursuant to tests under those provisions, he disproves his paternity to the child.

(b) by deleting Section 6 in its entirety and by substituting instead the following language:

SECTION 6. Tennessee Code Annotated, Section 36-2-202, is amended by:

(a) deleting subsection (b) in its entirety and by adding the following new language:

(b) In addition to the provisions of subsection (a), a person wishing to legitimate a child may obtain an order of legitimation for a child born to an unmarried woman by filing with the court a certified copy of the acknowledgement of paternity as prescribed under Sections 68-3-203(g), 68-3-302, or 68-3-305(b) or Section 1. Subject to the requirements of subsection (d), the court shall enter an order of legitimation.

(c) A voluntary acknowledgement of paternity

which is completed under the provisions of Sections 68-3-203(g), 68-3-302, or 68-3-305(b), or under similar provisions of another state or government, when certified by the state registrar or other governmental entity maintaining the record of the acknowledgement shall be a basis for establishing a support order without requiring any further proceedings to establish paternity.

(d) In recognition of the overriding importance to the child, the father, the mother, and the state that only the person who is in fact the father of the child be adjudicated as such, and that any errors be corrected at an early date, the court shall take the following steps prior to entering any order of legitimation under this section, or prior to entering any order of support under subsection (c), or prior to entering any order of paternity based upon the admission into evidence of the voluntary acknowledgement under Section 1:

(1) The court shall give an oral and written explanation to the acknowledged or putative father consisting of a statement of the conclusive effect of the entry of an order as set forth in Section 1(b), and of the availability of and the right to request blood, genetic, or DNA tests to determine parentage and that the costs of those tests will be paid for as prescribed in Section 24-7-112(b)(3).

(2) The acknowledged or putative father must then move the court immediately to order such tests and the court shall order such tests, or, if the acknowledged or putative father completes a written waiver acknowledging these rights and waiving the right to request such parentage tests, the court shall proceed immediately to enter any orders necessary pursuant to the proceedings before it.

(e) The entry of any order rescinding any acknowledgement of paternity or disproving paternity shall not preclude the bringing of a new paternity action against another putative father.

(f) Nothing herein shall preclude the availability of methods for correction of judgments under the Tennessee Rules of Civil Procedure; provided, however, that the state of Tennessee, its officers, employees, agents or contractors, or any Title IV-D child support enforcement agency shall not in any case be liable to compensate any person as a result of the rescission of any voluntary acknowledgement or any orders of legitimation or

paternity, or an order of support entered under this section.

(g) A certified copy of any order rescinding a prior order of legitimation or an acknowledgement of paternity or an order of paternity shall be sent by the clerk to the state registrar at the office of vital records of the department of health. Upon receipt of the order, the registrar shall make the necessary amendment to the birth certificate of the child who was the subject of the order.

(h) Nothing herein shall be construed to authorize a putative father to legitimate a child or to execute any voluntary acknowledgement of paternity without the consent of the mother of such child.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that **House Bill No. 2527**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 2526** -- Custody and Support -- Revises provisions relative to support and care of children. Amends TCA 50-2-105, 71-3-124, 71-5-117.

Rep. Purcell moved that House Bill No. 2526 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1, seconded by Rep. Purcell, as follows:

Amendment No. 1

Amend House Bill No. 2526 by deleting everything after the enacting clause and by substituting instead the following language:

Section 1. Tennessee Code Annotated, Section 36-5-101, is amended by deleting subdivision (4) of subsection (a) and by substituting instead the following language:

(4)(A) The order or decree of the court may provide that the payments for the support of such child or children shall be paid either to the clerk of the court or directly to the spouse, or other person awarded the custody of the child or children, except that in all Title IV-D child support cases and all cases where payments must be made under an income assignment pursuant to law, the court shall order that all child support payments be paid to the clerk of the court, or in Title IV-D child support cases, to the department of human services or other Title IV-D child support agency, if the clerk elects not to participate in the statewide Title IV-D child support computer system under (C)(iii).

(B) Support orders issued or modified in Title IV-D cases must include a provision requiring the absent parent to keep the clerk and Title IV-D agency informed of the name and address of his or her current employer, whether the absent parent has access to health insurance coverage, and if so, the health insurance policy information. Additionally, the order shall require the absent parent to immediately notify the clerk and Title IV-D agency of any changes in or any additional employment, including the name, and address of the new or additional employer.

(C)

(i) All support payments which have been paid to the clerk of the court shall be distributed by the clerk as provided in the order of the court within ten (10) days; provided, however, that the payments made to the clerk of the court in Title IV-D child support cases shall be distributed and deposited pursuant to the operating agreements under subdivision (4)(C)(iii) and the provisions of subdivision (4)(D) after implementation of the statewide Title IV-D child support computer system in the clerk's county and after the appropriate notice to the clerk by the department of human services under these subdivisions.

(ii) If the clerk receives child support

payments on behalf of an individual who has assigned rights to child support to the department of human services under the aid to families with dependent children (AFDC) program prior to the implementation of the statewide Title IV-D child support computer system pursuant to the provisions of subdivision (4)(C)(iii), the clerk shall send any support payment received on behalf of such individual, along with the first and last names of the parties, docket number, IV-D number (if any), IV-A number (if any), and date and amount of payment, to the department of human services or its designee within ten (10) working days of receipt thereof. Further, in every such IV-D case, if unable to provide the information concerning an order through a computer information transfer, the clerk shall send a copy of any new order or modification of such order, prior to or along with the first payment received pursuant to such order to the department or its designee within the time limit stated above. In the event the department or its designee provides the clerk with a certificate specifying the amount of support due the state, as a result of assistance payments made to or on behalf of such individual, the clerk shall distribute the payments to such individual and to the department in accordance with such certificate.

(iii) All clerks of courts with responsibilities for the collection and distribution of child support obligations shall elect whether to participate in the operation of the statewide Title IV-D child support computer system within thirty (30) days of notification by the department of human services requesting a decision. The election shall be accomplished by the signing of a letter of agreement with the department of human services which shall set forth the obligations of the department and the clerk relative to the operation of the system. Clerks electing to participate shall be bound by the terms of the agreement and the laws, regulations, and the policies and procedures of the Title IV-D child support program for the term of the agreement unless the agreement is canceled by the department after notice to the clerk and an opportunity to correct any deficiencies caused by failure of the clerk to comply with federal or state regulations or procedures for operation of the system within thirty (30) days of such notice. While participating in the system, the clerks shall be entitled to receive the statutory fee for the collection and handling of child

support obligations under the Title IV-D program. If a clerk declines to participate in the system, payments of child support to the clerk and the statutory collection fee shall continue until the clerk is notified by the department that the system is operative in the clerk's county. If the agreement is subsequently canceled, or when the department notifies the clerk who does not elect to participate that the system is operative in the clerk's county, the payment of the child support obligations and the statutory fee for collection of Title IV-D child support payments in Title IV-D cases shall be immediately payable to the department or its designee by the obligor without the necessity of a change to the court order upon notice by the department to the obligor and to the employer if the obligor is under an income assignment. Any Title IV-D child support payment which the clerk who is not participating in the system receives after the date on which the clerk is notified of the effective date of the operation of the system in the clerk's county, or after notice by the department or its contractor that Title IV-D services are now being provided on a child support case, or after the cancellation of the operating agreement, shall be sent immediately by the clerk to the department or its designee, without the necessity of a court order.

(iv) The clerks of all courts involved in the collection of any child support shall cooperate with and provide any reasonably necessary assistance to the department of human services or its contractors in the transfer of data concerning child support to the statewide Title IV-D child support computer system.

(v) Whenever the clerk has ceased handling Title IV-D child support payments under the provisions of part (iii), and only where the context requires, all provisions in this chapter relating to the duties or actions involving the clerk shall be interpreted to substitute the department of human services or its contractor.

(D) In all cases which are being served by the department of human services or any of its contractors under the Title IV-D child support program, the clerks shall, upon notice by the department of human services, deposit all receipts of Title IV-D child support payments on a daily basis to a bank account from which the state of Tennessee will electronically debit those payments for the purpose of obtaining funds to distribute the child support obligations to

the obligee.

(E)

(i) In all Title IV-D child support cases, child support payments shall be made by the obligor to the clerk of the court, or the department of human services if the clerk is not participating in the statewide Title IV-D child support computer system under (C)(iii). In Title IV-D child support cases, where the obligor has been ordered to make child support payments to the clerk, or the department of human services if the clerk is not participating in the statewide Title IV-D child support computer system under (C)(iii), no credit shall be given to an obligor for any payments made by the obligor or by another person on behalf of the obligor, directly to an obligee or the obligor's child or children unless the obligee remits the payment to the department or the participating clerk. In the event that a Title IV-D case is instituted subsequent to the establishment of an order of child support, the department will notify the obligor and the appropriate clerk of this fact and all payments of child support in Title IV-D cases shall be made by the obligor to the department or the clerk, as appropriate under this subdivision, without further order of the court.

(ii) No credit for child support payments shall be given by the court for payments by the social security administration to the obligor's child pursuant to a claim based on the work-related disability of the obligor.

Section 2. Tennessee Code Annotated, Section 36-5-101, is amended by adding the following as new appropriately designated subsections:

() Absent a court order to the contrary, if an arrearage for child support or fees due as court costs exist at the time an order for child support would otherwise terminate, the order of support or any then-existing income withholding arrangement and all amounts ordered for payment of current support or arrears, including any arrears due for court costs, shall continue in effect in an amount equal to the then-existing support order or income withholding arrangement until the arrearage and costs due are satisfied and the court may enforce all orders for such arrearages by contempt.

() For purposes of this chapter, the term

"order" shall, where the context requires, include an order concerning child or medical support issued pursuant to an administrative proceeding in any other state.

Section 3. Tennessee Code Annotated, Section 36-5-101, is amended by:

(a) deleting in subdivision (1) of subsection (a) the comma (,) immediately following the words "either party" in the first sentence and by substituting the words and punctuation "for spousal support,";

(b) inserting the following language between the first and second sentence of subdivision (1) of subsection (a):

In cases involving child support, upon application of either party, the court shall decree an increase or decrease of such allowance when there is found to be a significant variance, as defined in the child support guidelines established by subsection (e), between the guidelines and the amount of support currently ordered unless the variance has resulted from a previously court-ordered deviation from the guidelines and the circumstances which caused the deviation have not changed. The necessity to provide for the child's health care needs shall also be a basis for modification of the amount of the order, regardless of whether a modification in the amount of child support is necessary. In no event shall eligibility for or receipt of Medicaid or TennCare-Medicaid by the custodial parent be considered to meet the need to provide for the child's health care needs in the order.

(c) deleting the last sentence in subdivision (1) of subsection (a) and substituting the following new language:

When an order provides for the support of two or more children in a case which is subject to enforcement under Title IV-D, and at least one (1) child is a public charge based upon receipt of aid to families with dependent children (AFDC), TennCare-Medicaid, or foster care or other custodial services from the state of Tennessee, the child support order shall be prorated by the department of human services for purposes of distribution of the child support to the appropriate person or agency providing care or support for the child without the need for modification of the child support order by the court.

Section 4. Tennessee Code Annotated, Section 36-5-101, is amended by adding the following sentence at the end of subdivision (5) of subsection (a): If the full amount of child support is not paid by the fifth (5th) day of the month following the month in which the ordered support is due, the unpaid amount is in arrears and shall become a judgment for the unpaid amounts and shall accrue interest from the date of the arrearage at the rate set in Section 47-14-121. Computation of interest shall not be the responsibility of the clerk.

Section 5. Tennessee Code Annotated, Section 36-5-101(e), is amended by:

(a) deleting subdivision (4), and by substituting instead the following language:

(4) The department of human services shall establish any necessary procedures and regulations for the review and adjustment of child support orders to comply with Title IV-D of the Social Security Act and the Family Support Act of 1988. In order to effect compliance with the Family Support Act of 1988, the department or any of its divisions or Title IV-D contractors, public or private, shall have the power to issue administrative subpoenas by certified mail, return receipt requested, in the name of the department by persons designated by the commissioner of human services and enforceable by a court of record in the county from which the subpoena is issued, for any person or persons, records, reports or other documents necessary for review and adjustment of child support orders as required by the Family Support Act of 1988.

(b) adding the following language at the end of subdivision (1) of subsection (e):

Findings that the application of the guidelines would be unjust or inappropriate shall state the amount of support that would have been ordered under the child support guidelines and a justification for the variance from the guidelines.

Section 6. Tennessee Code Annotated, Section 36-5-103, is amended by adding the following as a new appropriately designated subsection:

() No state court order shall preclude the department of human services from implementing federal requirements for the interception of federal income tax refunds of an obligor for the payment of arrearages of child support.

Section 7. Tennessee Code Annotated, Section 36-5-106, is amended by adding the words "current or" after the words "amount of" in subsection (a).

Section 8. Tennessee Code Annotated, Section 36-5-501, is amended by:

(a) inserting the words ", or the department of human services or its contractor in Title IV-D cases" after the word "court" in the first sentence of subdivision (1) of subsection (b);

(b) inserting the following sentence between the first and second sentence of subdivision (1) of subsection (b):

Such notice shall be issued within fifteen (15) calendar days of the date the affidavit is filed by the obligee parent, a guardian or custodian of the child(ren), or the department of human services or its contractor in Title IV-D cases if the absent parent's address is known on that date or within fifteen (15) calendar days of locating the absent parent.

(c) adding the following sentence, to the end of subdivision (1) of subsection (b): "No court order expressly authorizing a wage or income assignment shall be required under this subsection."

Section 9. Tennessee Code Annotated, Section 36-5-501, is amended by:

(a) adding the words "or the department of human services or its contractor in Title IV-D cases" after the word "clerk" in subsection (e);

(b) deleting the period (.) at the end of the sentence in subsection (e) and by adding the following language: within fifteen (15) calendar days if the employer's address is known on that date, or if the address is unknown on that date, within fifteen (15) calendar days of locating the employer's address.

(c) adding the words "or the department of human services or its contractor" after the words "clerk of the court" and "clerk" wherever they appear in subsection (g); and by

(d) adding the words "or the department of human services or its contractor" after the word "clerk" in subsection (l).

Section 10. Tennessee Code Annotated, Section 36-5-501(b), is amended by deleting subdivision (2)(B) in

its entirety and by substituting instead the following language:

(B) The amount of income to be withheld by the assignment as stated by the clerk, or by the department, shall, except where otherwise ordered by the court, specify what amount shall be applied for current support and what amount shall be applied for arrearages. The amount withheld shall be an amount reasonably sufficient to satisfy an accumulated arrearage within a reasonable time.

Section 11. Tennessee Code Annotated, Section 36-5-501(i), is amended by:

(a) designating the first sentence as subdivision (1);

(b) designating the second sentence in subsection (i) as subdivision (2) and deleting in that sentence the words "on a 'first-come-first-serve' basis" and inserting instead the word "by" after the word "comply" and before the word "giving";

(c) adding the following language as subdivision (3):

(3)(A) If any employer, person, or other entity receives any income assignment for current support against an individual which would cause the deduction from any two (2) or more assignments for current support to exceed fifty percent (50%) of the individual's income after FICA, withholding taxes, and a health insurance premium which covers the child are deducted, then the allocation of all current support ordered withheld by all income assignments they receive against that individual shall be determined by the employer, person, or entity as follows:

(i) The employer, person, or other entity shall determine the total dollar amount of the assignments it has received involving the obligor to whom it owes any wages, salaries, commissions, pensions, annuities, or other income due the obligor;

(ii) Each individual assignment shall then be calculated as a percentage of the total obtained pursuant to subdivision (3)(A)(i);

(iii) The employer, person, or entity shall then allocate the available income of the obligor, subject to the limits described

above, based on the percentage computation pursuant to subdivision

(3)(A)(ii) and shall, as directed by the notice of income assignment, pay the amounts withheld from the obligor's income, to the clerk or clerks, or to the department of human services, its contractors, or other Title IV-D child support agency.

(B) In the event all current support obligations are met from the assignments and support arrearages exist in more than one (1) case and there is not sufficient income to pay all ordered support arrearage, then the support arrearages shall be allocated on the same basis as set forth in (3)(A) above.

(C) The obligor or the obligee shall be responsible for seeking any modifications to the existing orders for support.

(d) designating the third sentence in subsection (i) as subdivision (4).

Section 12. Tennessee Code Annotated, Section 36-5-501, is amended by deleting subsection (a) in its entirety and by substituting instead the following language:

(a)(1) For any order of child support issued, modified, or enforced on or after the effective date of this Act, the court shall order an immediate assignment to the clerk of the court or the department of human services or its contractor of the obligor's wages, salaries, commissions, pensions, annuities, and other income due or to become due to the obligor. The order of assignment shall issue regardless of whether support payments are in arrears on the effective date of the order. The order shall include an amount sufficient to satisfy an accumulated arrearage within a reasonable time. The order may also include an amount to pay any medical expenses which the obligor owing the support is obligated or ordered to pay. The order shall also include an amount necessary to cover the fee due the clerk of the court under Section 8-21-403. In the event the court does not order an immediate assignment, every order shall be enforceable by income assignment as provided in this chapter.

(2) Income assignment under subsection (a) shall not be required:

(A) If, upon proof by one party, there is a written finding of fact in the order of the court that there is good cause not to require immediate

income assignment and the proof shows that the obligor has made timely payment of previously ordered support in cases involving the modification of support orders. "Good cause" shall only be established upon proof that the immediate income assignment would not be in the best interests of the child. The court shall, in its order, state specifically why such assignment will not be in the child's best interests; or

(B) If there is a written agreement by both parties that provides for alternative arrangements. Such agreement must be reviewed by the court and entered in the record.

(3) In any case in which a parent is required by a court order to provide health coverage for a child, and the parent is eligible for family health coverage through an employer doing business in the state, the court shall order withheld from the parent's compensation from his or her employer the employee's share, if any, of premiums for such health coverage and the employer shall pay such share of premiums to the insurer; provided, however, such withholding shall not exceed fifty percent (50%) of the employee's income after FICA, withholding taxes, and a health insurance premium which covers the child, are deducted.

(4)

(A) The department of human services shall have authority to establish rules, forms, and any necessary standards and procedures to implement income assignments, and shall, notwithstanding the provisions of Section 36-5-502, implement such forms and rules by public necessity rules to be effective July 1, 1994; provided, however, any permanent rules shall be approved pursuant to the provisions of Section 36-5-502.

(B) Before filing a notice of rulemaking for rules pursuant to this section, the rules shall be reviewed by an advisory group composed of two (2) representatives of the state court clerks' conference appointed by the president of the state court clerks' association, two (2) representatives of the judges of courts which have child support responsibilities who will be appointed by the Chief Justice of the Supreme Court, a representative of the Administrative Office of the Courts, and two (2) representatives of the department of human services designated by the commissioner.

(5) When a clerk of court receives notification

from the IV-D agency indicating that agency is handling a case, notwithstanding any other provisions of law, the clerk shall immediately issue an advance notice of income assignment to the obligor if the employer or other payor is known and shall institute the process to assign income pursuant to this part. The income assignment shall have the same force and effect as notices of income assignment issued pursuant an order of the court.

(6) All orders of child support, whether entered before or after the effective date of this Act, shall be enforceable by income assignment as provided in this chapter

Section 13. Tennessee Code Annotated, Section 36-5-501(h), is amended by deleting the first sentence of subsection (h) and by substituting instead the following language: An employer shall be subject to a fine for a Class C misdemeanor if the income assignment is used as a basis to refuse to employ a person or to discharge the obligor/employee or for any disciplinary action against the obligor/employee.

Section 14. Tennessee Code Annotated, Section 36-5-503, is amended by:

(a) deleting subdivision (a)(1) in its entirety and by substituting instead the following language:

(a)(1) Any party or its agents or assignees may seek termination of an order under this section if there are no arrearages owed by the obligor to the obligee parent, any guardian or custodian of the child, the department of human services or any other agency of the state of Tennessee, or any other Title IV-D agency of any state, the costs of court have been paid, and there are no longer any children to whom the obligor parent is obligated to pay support because:

(A) Of the marriage of the child(ren);

(B) Of the death of the child(ren);

(C) The child(ren) has reached majority and the conditions of Section 34-11-102 have been attained and no other special circumstances requiring the obligation to continue exist.

(b) by deleting subsection (f) of Section 503 in its entirety.

Section 15. Tennessee Code Annotated, Section 50-2-105, is amended by deleting subsections (b) and (d) in their entireties and by substituting the following language:

(b) Assignment of income by a court for child support shall be made according to the provisions of Title 36, Chapter 5. If an employer fails to comply with the order, a judgment may be entered against the employer in the same manner as set forth in Section 26-2-201.

(d) An order for the assignment of income entered by a court under subsection(s) (b) and (c) for child support entered before October 1, 1985, shall remain in full force and effect and any new orders for assignment of income or for modification or termination of assignments of income shall be as provided in Title 36, Chapter 5.

Section 16. Tennessee Code Annotated, Section 71-3-124, is amended by adding the following language as a new appropriately designated subsection:

() (1) As a condition of eligibility for consideration of the caretaker relative in the request for assistance under the Aid to Families with Dependent Children (AFDC) program, each applicant for or recipient of benefits under this program shall cooperate (unless good cause not to cooperate is shown to exist in accordance with 45 Code of Federal Regulations Sections 232.40 through 232.49 as they may be amended) with the department and its Title IV-D contractors in:

(A) Identifying and locating the parent of a child for whom aid is claimed;

(B) Establishing the paternity of a child born out of wedlock for whom aid is claimed;

(C) Obtaining support payments for the applicant or recipient and for a child for whom aid is claimed; and

(D) Obtaining any other payments or property due the applicant or recipient of the child.

(2) Cooperation with the department and its Title IV-D contractors shall be defined by the department in rules which are consistent with federal regulations.

(3) If a caretaker relative fails to cooperate with the department or its Title IV-D contractors under subdivision (1), the department shall, consistent with federal regulations, deny assistance

to that caretaker relative of a child or children who are otherwise eligible for AFDC and it shall, consistent with federal regulations, provide assistance to the eligible child in the form of a protective payment, but such assistance will be determined without regard to the needs of the caretaker relative.

(4) The commissioner of the department of human services shall promulgate rules to carry out the provisions of this section.

Section 17. Tennessee Code Annotated, Section 71-5-117, is amended by adding the following language as a new subsection:

(e)(1) To the extent necessary to reimburse the department of health for expenditures for its costs for services provided for any child eligible for medical services under Title XIX of the Federal Social Security Act, the department shall have a right of action against, and shall be permitted to garnish the wages, salary, or other employment income of, any person who:

(A) Is required by a court or administrative order to provide coverage of the costs of health services to a child who is eligible for medical assistance under Title XIX of the Federal Social Security Act,

(B) Has received payment from a third party for the costs of such services provided to such child, but

(C) Has not used such payments from the third party to reimburse, as appropriate, either the other parent or guardian of such child or the provider of such services.

(2) The claims by the department of health for the costs of such services shall be subordinate to any claims for current or past-due child support.

Section 18. This act shall take effect July 1, 1994, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that Senate Bill No. 2526, as amended, be passed on third and final consideration.

Rep. Ritchie moved the previous question, which motion prevailed.

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Rep. Purcell moved that **Senate Bill No. 2526**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Winningham -- 1.

A motion to reconsider was tabled.

House Bill No. 2261 -- Taxes, Gasoline, Petroleum Products -- Exempts, upon meeting certain requirements, fuel and petroleum products sold to or used by air common carrier from tax. Amends TCA, Title 67, Ch. 6, Pt. 3.

On motion, House Bill No. 2261 was made to conform with **Senate Bill No. 2323**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that **Senate Bill No. 2323** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway,

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Rigsby, Rinks, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Arriola, Ritchie, Turner (Hamilton) -- 3.

A motion to reconsider was tabled.

***House Joint Resolution No. 0466** -- General Assembly, Statement of Intent or Position -- Urges U.S. Secretary of Housing and Urban Development and Community Enterprise Board to act favorably upon the City of Knoxville's applications for "empowerment zone" and "enterprise community" designations.

Further consideration of House Joint Resolution No. 466, previously considered on today's Calendar.

Rep. Armstrong moved that House Joint Resolution No. 466 be adopted.

Rep. U. Jones (Shelby) moved to adopt Amendment No. 1 as follows:

Amendment No. 1

Amend House Joint Resolution No. 466 by inserting the following immediately after the first resolving clause:

BE IT FURTHER RESOLVED, That this General Assembly hereby most fervently urges and encourages the U.S. Secretary of Housing and Urban Development and the President's Community Enterprise Board to also act favorably upon similar applications submitted by other Tennessee cities.

AND FURTHER AMEND by deleting the caption and by substituting instead the following:

A RESOLUTION concerning empowerment zones.

On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved that **House Joint Resolution No. 466**, as amended, be adopted, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer),

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Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 2533 -- Taxes, Sales -- Exempts certain tangible personal property owned by airport authority and leased to aircraft repair business from sales and use taxes. Amends TCA 67-6-302.**

Rep. Purcell moved that House Bill No. 2533 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2533 by deleting the amendatory language of Section 1 in its entirety and substituting instead the following:

(b) There shall be exempt from the tax imposed by this chapter the gross proceeds of and payments on all leases and rentals of tangible personal property owned by an airport authority or authority, as defined in Section 42-3-102(3) or 42-4-103(2), respectively, to a business primarily engaged in the repair of aircraft owned or leased by commercial interstate or international air carriers; provided, however, that this exemption shall apply only with respect to tangible personal property primarily used by such businesses at an airport as defined in Section 42-3-102(2) or Section 42-4-103(1). This exemption shall only apply to leases by an airport authority or authority and not to subleases by a lessee.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that **House Bill No. 2533**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	0
Present and not voting.	5

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Arriola, Brooks, Lewis, Rigsby, West -- 5.

A motion to reconsider was tabled.

House Bill No. 2759 -- Sentencing -- Requires persons convicted as "repeat violent offenders" to receive sentence of life without possibility of parole; defines "repeat violent offender". Amends TCA, Titles 8, 16; Title 40, Ch. 35; Title 67.

Rep. Purcell moved that House Bill No. 2759 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1, seconded by Rep. Purcell, as follows:

Amendment No. 1

Amend House Bill No. 2759 by deleting all the language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 40, Chapter 35, is amended by adding the following as a new section:

Section 40-35-____.

(a) A "repeat violent offender" is a defendant who:

(1) Is convicted in this state on or after July 1, 1994, of any offense classified in subsection (b)(1) as a violent offense; and

(2) Has at least two (2) prior convictions for offenses classified in subsection (b)(1) or (b)(2) as a violent offense; or

(3) Is convicted in this state on or after July 1, 1994, of any offense classified in subsection (c)(1) as a violent offense; and

(4) Has at least on one (1) conviction for an offense classified in subsection (c)(1) or (c)(2) as a "violent offense".

(b)

(1) For purposes of subsections (a)(1) and (a)(2) the following offenses are classified as violent offenses:

(A) First degree murder, including any attempt, solicitation, or facilitation to commit first degree murder;

(B) Second degree murder and any attempt or facilitation to commit second degree murder;

(C) Especially aggravated kidnapping and any attempt or facilitation to commit especially aggravated kidnapping;

(D) Especially aggravated robbery and any attempt or facilitation to commit especially aggravated robbery;

(E) Aggravated rape and any attempt or facilitation to commit aggravated rape;

(F) Rape of a child and any attempt or facilitation to commit rape of a child;

(G) Aggravated arson and any attempt or facilitation to commit aggravated arson;

(H) Aggravated kidnapping;

(I) Aggravated robbery;

(J) Rape;

(K) Aggravated sexual battery;

(L) Especially aggravated burglary;

(M) Aggravated child abuse;

(N) Aggravated sexual exploitation of minor; or

(O) Especially aggravated sexual exploitation of a minor;

(2) For purposes of subsection (a)(2), the offenses which were repealed on November 1, 1989, and are listed in §40-35-118 as Class A or B felonies against a person are classified as violent offenses.

(c)

(1) For purposes of subsections (a)(3) and (a)(4) the following offenses are classified as violent offenses:

(A) first degree murder including any attempt, solicitation, or facilitation to commit first degree murder;

(B) second degree murder;

(C) especially aggravated kidnapping;

(D) especially aggravated robbery;

(E) aggravated rape;

(F) rape of a child; or

(G) aggravated arson.

(2) For purposes of subsection (a)(4), the offenses which were repealed on November 1, 1989, and are listed in §40-35-118 as Class A felonies against a person are classified as violent offenses.

(d) In determining the number of prior convictions a defendant has received:

(1) "Prior conviction" means a defendant serves and is released from a period of incarceration for the commission

of an offense or offenses so that a defendant must have served two (2) separate periods of incarceration for the commission of at least two (2) of the predicate offenses designated in subsection (b)(1) or (b)(2) before committing an offense designated in subsection (b)(1), or at least one (1) separate period of incarceration for the commission of a predicate offense designated in subsection (c)(1) or (c)(2) before committing an offense designated in subsection (c)(1) to meet the requirements of subsection (a) of this section;

(2) A "separate period of incarceration" includes a sentence to a community correction program pursuant to Tennessee Code Annotated, Title 40, Chapter 36, a sentence to split confinement pursuant to Tennessee Code Annotated, Section 40-35-306, or a sentence to a periodic confinement pursuant to Tennessee Code Annotated, Section 40-35-307. Any offense designated as a violent offense pursuant to subsection (b) or (c) that is committed while incarcerated or committed while such prisoner is assigned to a program whereby the prisoner enjoys the privilege of supervised release into the community, including, but not limited to, work release, educational release, restitution release, medical furlough or that is committed while on escape status from any correctional institution shall be considered as a separate period of incarceration;

(3) A finding or adjudication that a defendant committed an act as a juvenile that is designated a predicate offense under subsection (b) or (c) of this section if committed by an adult, and which resulted in a transfer of such juvenile to criminal court pursuant to Tennessee Code Annotated, Section 37-1-134, or similar statutes of other states or jurisdictions, shall not be considered a prior conviction for the purposes of this section unless such juvenile was convicted of such predicate offense in a criminal court and sentenced to confinement in the department of correction;

(4) "Prior convictions" include convictions under the laws of any other state, government or country which, if committed in this state, would have

constituted a predicate offense in subsection (b) or (c) of this section if there are separate periods of incarceration in such other state as required by subdivision (1) of this subsection. If a felony from a jurisdiction other than Tennessee is not a named predicate offense specified in subsection (b) or (c) of this section in this state, and if the elements of such felony are the same as such a designated predicate offense, it shall be considered a prior conviction provided there are separate periods of incarceration in such other state as required in subdivision (1) of this section.

(e) The court shall refuse to accept a plea agreement which fails to recommend that a defendant with a sufficient number of designated prior convictions be sentenced as a repeat violent offender. If the judge refuses to accept the plea agreement, this does not prevent the district attorney general in accordance with Rule 7 of the Tennessee Rules of Criminal Procedure from amending the indicted offense to an offense which is not designated as a violent offense in subsection (b) or (c).

(f) The court shall sentence a defendant who has been convicted of any offense classified in subsection (b)(1) or (c)(1) to imprisonment for life without possibility of parole if the court finds beyond a reasonable doubt that the defendant is a repeat violent offender.

(g) The finding that a defendant is or is not a repeat violent offender is appealable by either party.

(h)

(1) A charge as a repeat violent offender shall be tried within one hundred eighty (180) days of the arraignment on the indictment pursuant to Rule 10 of the Rules of Criminal Procedure unless delay is caused by:

- (A) the defendant;
- (B) an examination for competency;
- (C) a competency hearing;
- (D) an adjudication of

incompetency for trial;

(E) a continuance allowed after a court's determination of the defendant's physical incapacity for a trial; or

(F) an interlocutory appeal.

A continuance may be granted to any party, including the court, for good cause shown.

(2) The district attorney general shall file a statement with the court and the defense counsel within forty-five (45) days of the arraignment pursuant to Rule 10 of the Rules of Criminal Procedure that the defendant is a repeat violent offender. Such statement, which shall not be made known to the jury determining the guilt or innocence of the defendant, shall set forth the dates of the prior periods of incarceration, as well as the nature of the prior conviction offenses. If such notice is not filed within forty-five (45) days of such arraignment, the defendant shall be granted a continuance so that such defendant will have forty-five (45) days between receipt of notice and trial.

(3) Failure to comply with this subsection does not require release of a person from custody or a dismissal of charges.

Section 2. Tennessee Code Annotated, Section 40-35-105, is amended by deleting the word "or" at the end of subsection (a)(3); by changing the period "." at the end of subsection (a)(4) to the word and punctuation ": or"; and by adding the following new subdivision (5) to subsection (a):

(5) A repeat violent offender as defined by Tennessee Code Annotated, Section 40-35-____.

Section 3. Tennessee Code Annotated, Section 40-35-209, is amended by adding the following new subdivision (e)(6) and by renumbering present subdivisions accordingly:

(6) Whether the defendant was sentenced as a repeat violent offender;

Section 4. Tennessee Code Annotated, Section 40-35-501, is amended by adding a new subsection to be designated as (g) and by relettering present subsections accordingly:

(g) There shall be no release eligibility for a

defendant receiving a sentence of imprisonment for life without parole as a repeat violent offender.

Section 5. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

Section 6. This act shall take effect July 1, 1994, the public welfare requiring it and shall apply to all persons committing offenses under Section 40-35-____(b)(1) or (c)(1) on or after such date.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that House Bill No. 2759 be passed on third and final consideration.

Rep. Westmoreland moved the previous question, which motion he then withdrew.

Rep. Purcell moved that House Bill No. 2759, as amended, be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

House Bill No. 2759, as amended, passed on third and final consideration by the following vote:

Ayes.	94
Noes.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Brooks, Turner (Shelby) -- 2.

A motion to reconsider was tabled.

WEDNESDAY, APRIL 6, 1994 -- EIGHTY-THIRD LEGISLATIVE DAY

House Bill No. 2351 -- Taxes, Corporations -- Exempts from sales tax services rendered between directly or indirectly owned parent corporations and wholly owned subsidiaries, retroactively to January 1, 1988. Amends TCA, Title 67, Ch. 6, Pt. 3.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

On motion, House Bill No. 2351 was made to conform with **Senate Bill No. 1861**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that **Senate Bill No. 1861** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 2.

Rep. Kisber moved to adopt Amendment No. 3 as follows:

Amendment No. 3

Amend Senate Bill No. 1861 by deleting from Section 1 the words "performing services to unaffiliated entities" and by substituting instead the words "perform services for unaffiliated entities".

On motion, Amendment No. 3 was adopted.

Rep. Kisber moved that **Senate Bill No. 1861**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie,

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Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 2352 -- Taxes -- Exempts from taxation transfer by dealers of motor vehicles used by common carriers. Amends TCA 67-6-331.

On motion, House Bill No. 2352 was made to conform with **Senate Bill No. 2139**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that **Senate Bill No. 2139** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 2139** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2244 -- Taxes, Excise -- Allows employers credit from excise tax equal to 20 percent of cost of providing approved basic skills education programs that enhance level of employee to 12th grade functional level. Amends TCA, Title 67.

On motion, House Bill No. 2244 was made to conform with **Senate Bill No. 1716**; the Senate Bill was substituted for the House Bill.

WEDNESDAY, APRIL 6, 1994 -- EIGHTY-THIRD LEGISLATIVE DAY

Rep. Kisber moved that **Senate Bill No. 1716** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 1716** be passed on third and final consideration.

Rep. Haley moved the previous question, which motion prevailed.

Senate Bill No. 1716 passed on third and final consideration by the following vote:

Ayes.	94
Noes.	1
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Shirley -- 1.

Representatives present and not voting were: Ritchie -- 1.

A motion to reconsider was tabled.

House Bill No. 2210 -- Pensions and Retirement Benefits -- Expands from 90 to 120 days time retired employee may work without diminishing state retirement benefits. Amends TCA, Title 8, Ch. 36.

On motion, House Bill No. 2210 was made to conform with **Senate Bill No. 2465**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that **Senate Bill No. 2465** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Council on Pensions and Insurance Committee Amendment No. 1.

Rep. Rhinehart moved that **Senate Bill No. 2465** be passed on

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third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood. Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 2072 -- Tort Liability -- Requires actions brought under comparative fault based system of damage recovery to be decided by jury in cases in which there are multiple defendants and one such defendant is governmental entity. Amends TCA, Title 29, Ch. 20.

Rep. Buck requested that House Bill No. 2072 be moved to the heel of the Calendar.

House Bill No. 2392 -- Taxes, Corporations -- Authorizes tax credit for amount of taxes paid by shareholders of Subchapter S corporation paid to other states. Amends TCA, Title 67, Ch. 2, Pt. 1.

On motion, House Bill No. 2392 was made to conform with **Senate Bill No. 1983**; the Senate Bill was substituted for the House Bill.

Rep. Wood moved that **Senate Bill No. 1983** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Wood moved that **Senate Bill No. 1983** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

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Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2225 -- Taxes, Privilege -- Excludes religious institutions from privilege tax on filing documents with secretary of state. Amends TCA 67-4-412.

CHAIR TO SPEAKER PRO TEMPORE

Mr. Speaker Naifeh relinquished the Chair to to Rep. Severance, as Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

On motion, House Bill No. 2225 was made to conform with **Senate Bill No. 2061**; the Senate Bill was substituted for the House Bill.

Rep. Joyce moved that **Senate Bill No. 2061** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Joyce moved that **Senate Bill No. 2061** be passed on third and final consideration.

Rep. Joyce moved that Senate Bill No. 2061 be reset one week to the Calendar for Wednesday, April 13, 1994, which motion prevailed.

House Bill No. 2439 -- Motor Vehicles, Titling and Registration -- Revises description of certain vehicles for hire. Amends TCA, Title 55, Ch. 4.

On motion, House Bill No. 2439 was made to conform with **Senate Bill No. 2350**; the Senate Bill was substituted for the House Bill.

Rep. Duer moved that **Senate Bill No. 2350** be passed on third and

final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 2.

Rep. Duer moved that **Senate Bill No. 2350** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1816 -- Juries and Jurors -- Excuses from jury service persons 70 years of age or older who request to be excused in writing. Amends TCA, Title 22, Ch. 1.

On motion, House Bill No. 1816 was made to conform with **Senate Bill No. 1674**; the Senate Bill was substituted for the House Bill.

Rep. Tindell moved that **Senate Bill No. 1674** be passed on third and final consideration.

On motion, Rep. Chumney withdrew Judiciary Committee Amendment No. 1.

Rep. Tindell moved that **Senate Bill No. 1674** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong,

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Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Hargrove -- 1.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 2029 -- Municipal Government -- Authorizes municipal government to invest idle funds in banker acceptances and commercial paper. Amends TCA, Title 6, Ch. 56.

On motion, House Bill No. 2029 was made to conform with **Senate Bill No. 2403**; the Senate Bill was substituted for the House Bill.

Rep. Tindell moved that **Senate Bill No. 2403** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Amendment No. 1.

Rep. Tindell moved that **Senate Bill No. 2403** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent,

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Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Joyce -- 1.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 6, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2404; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 6, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2657; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REGULAR CALENDAR, CONTINUED

House Bill No. 2890 -- Fentress County -- Restructures board of education to comply with Education Improvement Act; increases size from five to nine members. Repeals Chapter 251, Private Acts of 1975, as amended.

Further consideration of House Bill No. 2890, previously considered on today's Calendar.

On motion, House Bill No. 2890 was made to conform with **Senate Bill No. 2859**; the Senate Bill was substituted for the House Bill.

Rep. Windell moved that **Senate Bill No. 2859** be passed on third and final consideration.

Rep. Windell moved to adopt Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 2859 by deleting all sections of the

introduced bill and substituting the following:

SECTION 1. Chapter 251 of the Private Acts of 1972, as amended by Chapter 39 of the Private Acts of 1987, and all other acts amendatory thereto, is further amended in Section 4 by deleting the section in its entirety and substituting the following:

SECTION 4. BE IT FURTHER ENACTED, That the qualified voters of Fentress County shall elect a county board of education to be composed of ten (10) members, elected to terms of four (4) years, except as provided otherwise in this act for purposes of transition. Two (2) members shall be elected from each school district. Terms shall be staggered so that one (1) member from each district is elected at each regular August election. The members of the board of education shall be at least twenty-one (21) years of age, citizens of the United States, the state of Tennessee, and residents of the district in Fentress County which they represent.

SECTION 2. Chapter 251 of the Private Acts of 1972, as amended, is further amended by adding the following at the end of Section 6:

At the August 1994 election, the successors to the incumbent members in Districts 4 and 5 shall be elected to four (4) year terms. The new members from Districts 1, 4, and 5 shall be elected to two (2) year terms, and the new members from Districts 2 and 3 shall be elected to four (4) year terms. After the August 1994 election, all members shall be elected to four (4) year terms.

SECTION 3. The Fentress County commission is authorized to appoint five (5) additional members of the Fentress County board of education, upon approval of this act, who shall hold office until September 1, 1994, when the new board created by this act takes office. Such appointments may be made at large or from one of the new districts.

SECTION 4. Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected. No incumbent's position becoming vacant shall be filled, however.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Fentress County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Fentress County and so certified to the secretary of state.

SECTION 7. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.

Rep. Tindell moved to adopt Amendment No. 1 to Amendment No. 1 as follows:

Amendment No. 1 to Amendment No. 1

Amend Senate Bill No. 2859 by deleting Section 3 of the bill, as amended.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

On motion, Amendment No. 1, as amended, was adopted.

Rep. Windell moved that **Senate Bill No. 2859**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1937 -- Firearms and Ammunition -- Enacts "Child and Public Protection Act of 1994". Amends TCA, Title 39, Ch. 17, Pt. 13.

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Further consideration of House Bill No. 1937, previously considered on today's Calendar.

Rep. Pruitt moved that House Bill No. 1937 be passed on third and final consideration.

Rep. Pruitt moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 1937 by inserting the following language as a new appropriately designated subsection to Section 3:

() It is a defense to a violation of this act that the minor gaining access to the firearm is the child of the person leaving or storing the firearm and the parent has given permission to the minor to gain access or, if not such person's child, the parent or guardian of the minor has given lawful permission to such person;

Rep. Turner (Shelby) moved that House Bill No. 1937 be re-referred to the Judiciary Committee.

Rep. Ritchie moved to amend the motion to re-refer to the Judiciary Committee until 1995.

Rep. Turner (Shelby) moved that the motion to amend the motion to re-refer be tabled, which motion failed by the following vote:

Ayes	21
Noes	61
Present and not voting	1

Representatives voting aye were: Armstrong, Brooks, Brown, Buck, Chumney, Crain, DeBerry, Dixon, Fisher, Garrett, Herron, Jackson, Jones R (Shelby), Jones U (Shelby), Kernell, Love, Miller, Stamps, Thompson, Turner (Hamilton), Turner (Shelby) -- 21.

Representatives voting no were: Allen, Anderson, Arriola, Bell, Boyer, Bragg, Byrd, Callicott, Chiles, Coffey, Cole (Carter), Cole (Dyer), Cross, Davis, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hassell, Haun, Head, Hillis, Johnson, Joyce, Kent, Kisher, Lewis, Liles, McAfee, McDaniel, McKee, Moore, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Severance, Shirley, Stockburger, Stulce, Tindell, Walley, West, Westmoreland, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood -- 61.

Representatives present and not voting were: Knight -- 1.

Rep. Ritchie renewed the motion to re-refer House Bill No. 1937 to the Judiciary Committee until 1995, which motion he then withdrew.

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Rep. Pruitt moved that **House Bill No. 1937** be re-referred to the Judiciary Committee, which motion prevailed.

MESSAGE FROM THE SENATE

April 6, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1742; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 6, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 518; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 6, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2292; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 2292 -- Tort Liability --** Requires actions brought under comparative fault based system of damage recovery to be decided by jury in cases in which there are multiple defendants and one such defendant is governmental entity. Amends TCA, Title 29, Ch. 20.

REGULAR CALENDAR, CONTINUED

House Bill No. 2072 -- Tort Liability -- Requires actions brought under comparative fault based system of damage recovery to be decided by jury in cases in which there are multiple defendants and one such defendant is governmental entity. Amends TCA, Title 29, Ch. 20.

On motion, House Bill No. 2072 was made to conform with **Senate Bill No. 2292**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that **Senate Bill No. 2292** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved that **Senate Bill No. 2292** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1477** -- Eminent Domain -- Changes amount of interest charged for judgments against governmental entities in eminent domain actions from 10 percent to 1 percent over prime rate. Amends TCA 29-17-813.

Senate Amendment No. 1

Amend House Bill No. 1477 by deleting the words and figures "one percentage point (1%)" and substituting the words and figures "two percentage points (2%)".

Rep. Westmoreland moved that the House nonconcur in Senate Amendment(s) No(s). 1 to **House Bill No. 1477**, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell,

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Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 1866 -- Banks and Financial Institutions -- Provides that financial institution or its officers or employees are not acting as fiduciary to customers or third parties, except if written agency or trust agreement exists. Amends TCA, Title 45, Ch. 1.

Rep. Rhinehart moved that the House refuse to recede from its action in nonconcurring in Senate Amendment(s) No(s). 2, 3 and 4 to House Bill No. 1866, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 1866

Pursuant to **Rule No. 73**, Representative Rhinehart moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 1866, which motion prevailed.

The Speaker appointed Representatives Rhinehart, Hillis, Coffey, Byrd and Hargrove as the House members of the Conference Committee on House Bill No. 1866.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 2015** -- Taxes, Sales -- Exempts from sales taxes used clothing sold by nonprofit, charitable institutions. Amends TCA, Title 67, Ch. 6, Pt. 3.

MOTION TO RECONSIDER

Rep. Coffey moved to lift from the table the motion to reconsider Senate Bill No. 2015, which motion prevailed.

Rep. Coffey moved to reconsider action in passing Senate Bill No. 2015, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 2. On motion, Amendment No. 2 was withdrawn.

Rep. Coffey moved that **Senate Bill No. 2015** be passed on third and final consideration.

Ayes.	93
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Williams (Shelby) -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

Senate Bill No. 2452 -- Purchasing -- Authorizes municipalities to purchase supplies and equipment at public auctions without public advertisement and competitive bidding. Amends TCA, Title 12, Ch. 3, Pt. 10.

MOTION TO RECONSIDER

Rep. Gunnels moved to lift from the table the motion to reconsider Senate Bill No. 2452, which motion prevailed.

Rep. Gunnels moved to reconsider action in passing Senate Bill No. 2452, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 4. On motion, Amendment No. 4 was withdrawn.

Rep. Gunnels moved that the House reconsider its action in adopting Amendment No. 7.

Rep. Williams (Williamson) requested that Senate Bill No. 2452 be moved to the heel of the Message Calendar.

REGULAR CALENDAR, CONTINUED

House Bill No. 2015 -- Railroads -- Allocates sales tax collected from railroads for public railroad bridge rehabilitation. Amends TCA, Title 7, Ch. 56, Pt. 2, 67-6-103.

Further consideration of House Bill No. 2015, previously

considered on today's Calendar.

Rep. Williams (Williamson) requested that House Bill No. 2015 be moved to the heel of the Message Calendar.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2728 -- Local Government, General -- Provides for authority and responsibility to name roads and streets and assign property numbers for emergency communications districts. Amends TCA, Title 7, Ch. 86.

Senate Amendment No. 2

Amend House Bill No. 2728 by deleting from Section 2(b) the language "may retain, if it so provides, appellate or review authority of any" and by substituting instead the language "shall approve".

Senate Amendment No. 3

Amend House Bill No. 2728 by adding at the end of Section 2 the following new subsection:

(d) This section may not be construed to require a local government to maintain any portion of a road which the local government has not accepted.

Rep. Duer moved that the House concur in Senate Amendment(s) No(s). 2 and 3 to **House Bill No. 2728**, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE, CONTINUED

Senate Bill No. 2452 -- Purchasing -- Authorizes municipalities to purchase supplies and equipment at public auctions without public advertisement and competitive bidding. Amends TCA, Title 12, Ch. 3, Pt. 10.

Further consideration of Senate Bill No. 2452, previously considered on today's Calendar.

On motion, the House reconsidered its action in adopting Amendment No. 7. On motion, Amendment No. 7 was withdrawn.

Rep. Gunnels moved that **Senate Bill No. 2452**, as amended, be passed on third and final consideration.

Ayes.	70
Noes.	22
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Callicott, Chiles, Coffey, Cole (Dyer), Collier, Crain, Davidson, Davis, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Haun, Head, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Owenby, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 70.

Representatives voting no were: Byrd, Chumney, Cole (Carter), Cross, DeBerry, Garrett, Haley, Hassell, Jackson, Johnson, Joyce, Kent, Lewis, Miller, Odom, Peroulas Draper, Purcell, Ridgeway, Rigsby, Rinks, Ritchie, Turner (Shelby) -- 22.

Representatives present and not voting were: Brooks, Kernell, Liles -- 3.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILL RETURN REQUESTED

Pursuant to **Rule No. 54**, Rep. Mires moved that the Clerk request the return of Senate Bill No. 1774 from the Senate, which motion prevailed.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, the sponsor(s) gave notice of intent to

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MESSAGE FROM THE SENATE

April 5, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 306 and 390; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 0306** -- General Assembly, Directed Studies -- Directs Council on Pensions and Retirement to study appropriate retirement benefits for public safety officers. by *Crowe, *Cooper.

***Senate Joint Resolution No. 0390** -- Memorials, Government Officials -- Urges county governments to erect signs on county roads stating that abandonment of live or dead animals is criminal misdemeanor offense and further stating penalties for violation thereof. by *Jordan, *Gilbert.

MESSAGE FROM THE SENATE

April 5, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 145, 980, 2351, 2524, 2777 and 2785; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 0145** -- Criminal Offenses -- Authorizes T.B.I. to investigate destruction of property by explosives. Amends TCA, Titles 4, 8, 38, 57, 65, 68, 70. by *Cohen.

***Senate Bill No. 0980** -- Courts -- Creates Missouri Plan system for supreme court justices and state trial court judges. Amends TCA 4-29-216; Title 16, Ch. 2, Pt. 5; Title 17, Ch. 4. by *Wilder.

***Senate Bill No. 2351** -- Judgments -- Establishes interest rate on judgments to be 2 percent above average prime loan rate rather than fixed 10 percent rate. Amends TCA, Title 47, Ch. 14. by *Jordan.

***Senate Bill No. 2524** -- Gambling -- States that certain persons and common carriers do not commit criminal offense when in possession of lottery tickets originating from state in which lotteries legal. Amends TCA, Title 39, Ch. 17, Pt. 5. by *Ford.

Senate Bill No. 2777 -- Education -- Adds development of discipline program for disruptive students as authorized activity for extended contract; includes assessment of civil penalty if parent or guardian fails to cooperate with school personnel. Amends TCA, Title 37, Ch. 1, Pt. 1, 49-5-5209. by *Springer.

Senate Bill No. 2785 -- Tort Liability -- Caps liability on

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House Bill No. 2442: Rep(s). Walley, Bittle, Arriola, Dixon, DeBerry, McDaniel and Purcell as prime sponsor(s).

House Bill No. 2526: Rep(s). Boyer, Turner (Hamilton), Bittle, Pinion, Moore McDaniel, Johnson and Lewis as prime sponsor(s).

House Bill No. 2527: Rep(s). Ramsey as prime sponsor(s).

House Bill No. 2533: Rep(s). Turner (Hamilton), McAfee as prime sponsor(s).

House Bill No. 2737: Rep(s). Stamps as prime sponsor(s).

House Bill No. 2759: Rep(s). Shirley, Joyce, Halteman Harwell, Herron, Armstrong, Davis, Huskey, Kisber, Windle, Moore, Bittle, McDaniel, Fowlkes, Duer, Liles, Ramsey, Stockburger, Walley, Hassell, Coffey, Williams (Union), Severance, Anderson, Gunnels, Allen, Huskey, Davis, McKee and Haun as prime sponsor(s).

House Bill No. 2760: Rep(s). Bell as prime sponsor(s).

House Bill No. 2866: Rep(s). Haley as prime sponsor(s).

REQUESTS TO BE ADDED AS SPONSORS

The following members requested to add their names as sponsors as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage of said bill:

House Bill No. 1978: Rep(s). Herron as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Rigsby was/were removed as sponsor(s) of **House Bill No. 1197**.

On motion, Rep(s). Peroulas Draper was/were removed as sponsor(s) of **House Bill No. 2550**.

SIGNED
April 6, 1994

The Speaker signed the following: Senate Bill(s) No(s). 1206, 1694, 1761, 1936, 2009, 2014, 2025, 2028, 2073, 2176, 2220, 2484, 2485, 2634, 2666, 2717, 2773, 2800; also, Senate Joint Resolution(s) No(s). 389, 392 and 407.

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**MESSAGE FROM SENATE
April 6, 1994**

MR. SPEAKER: I am directed to request the return of Senate Bill No. 1783, for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
April 6, 1994**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2871, 2892, 2893, 2894, 2895 and 2896; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
April 6, 1994**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 566, 567, 568, 569, 570, 571, 573, 574, 575, 576 and 577; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
April 6, 1994**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2458 and 2744; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
April 6, 1994**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2152; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS
April 6, 1994**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1719, 2147,

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2526, 2527, 2533, 2759 and 2879; also, House Joint Resolution(s) No(s). 466, 618, 619, 620, 621, 622, 623, 625, 626 627, 628, 629 and 631.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 6, 1995

MR. SPEAKER: I am directed to return to the House. House Bill(s) No(s). 2395; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 6, 1994

MR. SPEAKER: I am directed to return to the House. House Bill(s) No(s). 2323 and 2615; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 6, 1994

MR. SPEAKER: I am directed to return to the House. House Bill(s) No(s). 1112, 1380, 2027, 2128, 2240, 2348 and 2488; also, House Joint Resolution(s) No(s). 371, 415, 432, 434, 472, 492, 493, 502 and 503; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 6, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 170, 2034, 2340, 2379, 2393, 2813, 2847, 2848, 2849, 2853 and 2877; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 0170 -- Criminal Offenses -- Elevates simple assault upon pregnant woman to aggravated assault if fetus is viable at time of assault. Amends TCA 39-13-102. by *Crowe.**

***Senate Bill No. 2034 -- Civil Procedure -- Requires submission of special jury instruction to determine fault of third party; increases number of days in which to join third party to action to be determined using comparative fault. Amends TCA, Title 20, Ch. 1, Pt. 1; Title 20, Ch. 9, Pt. 5. by *Kyle, *Wilder, *Person.**

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Senate Bill No. 2340 -- Oakland -- Establishes new charter. Repeals Chapter 336, Private Acts of 1919, as amended. by *Wilder.

***Senate Bill No. 2379** -- Criminal Offenses -- Expands offense of parent knowing minor is in illegal possession of firearm on school or public property, to include standard of whether parent should have known; violation Class A misdemeanor. Amends TCA 39-17-1312. by *Burks.

***Senate Bill No. 2393** -- Public Service Commission -- Creates public advocacy division within public service commission. Amends TCA, Title 65. by *Cooper, *Gilbert, *Cohen, *Haynes.

Senate Bill No. 2813 -- Eminent Domain -- Limits costs of condemnation case to bill of costs if award exceeds amount assessed by condemnor and deposited with clerk; taxing of additional costs to be governed by Rule 54.04 of Tennessee Rules of Civil Procedure. Amends TCA 29-17-812, 813. by *Crutchfield.

Senate Bill No. 2847 -- Algood -- Changes date of election from June to November; extends term of mayor and council to November 1996 for mayor and two councilmen elected in June 1991, and to November 1998 for two councilmen elected in June 1993; requires popular approval. Amends Chapter 96, Private Acts of 1977. by *Burks.

Senate Bill No. 2848 -- Algood -- Changes name of Board of Mayor and Aldermen to Mayor and Council. Amends Chapter 69, Private Acts of 1977. by *Burks.

Senate Bill No. 2849 -- Baxter -- Establishes regular August election beginning in August 1996 as regular city election date; creates four year terms for city officials. Amends Chapter 35, Private Acts of 1915, as amended. by *Burks.

Senate Bill No. 2853 -- Contractors -- Exempts Sequatchie County from the provisions of the Contractors Licensing Act of 1976. Amends TCA, Title 62, Ch. 6. by *Elsea.

Senate Bill No. 2877 -- Civil Defense -- Transfers ownership of regional emergency operations center in Winchester from State of Tennessee to Franklin County. by *Cooper.

MESSAGE FROM THE SENATE
April 6, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 399, 400, 401, 402, 403, 404, 408, 409, 410, 411, 412, 413, 414, 415, 416 and 449; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0399 -- Memorials, Personal Occasion -- Vicie Haney Mitchel, 94th birthday. by *Holcomb.

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Senate Joint Resolution No. 0400 -- Memorials, Interns --
Courtney I. Smith. by *Gilbert.

Senate Joint Resolution No. 0401 -- Memorials, Academic Achievement -- Peter M. Meenen III, Salutatorian, Ezell Harding Christian School. by *Rochelle.

Senate Joint Resolution No. 0402 -- Memorials, Academic Achievement -- Lori Beth Cowan, Valedictorian, Gordonsville High School. by *Rochelle.

Senate Joint Resolution No. 0403 -- Memorials, Academic Achievement -- Travis Bush, Salutatorian, Gordonsville High School. by *Rochelle.

Senate Joint Resolution No. 0404 -- Memorials, Academic Achievement -- Carl Ray Conway, Jr., Valedictorian, Ezell Harding Christian School. by *Rochelle.

Senate Joint Resolution No. 0408 -- Memorials, Interns -- Will Pinkston. by *McNally.

Senate Joint Resolution No. 0409 -- Memorials, Sports -- Perry County boys' basketball team, TSSAA state tournament participant. by *Springer.

Senate Joint Resolution No. 0410 -- Memorials, Congratulations -- Macon County High School Interact Club. by *Burks.

Senate Joint Resolution No. 0411 -- Memorials, Sports -- Happy Valley High School boys' basketball team. by *Crowe, *Greer.

Senate Joint Resolution No. 0412 -- Memorials, Sports -- 1993-1994 Happy Valley High School girls' basketball team, TSSAA State Tournament participants. by *Crowe, *Greer.

Senate Joint Resolution No. 0413 -- Memorials, Recognition and Thanks -- Jack Tolley. by *Crowe.

Senate Joint Resolution No. 0414 -- Memorials, Recognition and Thanks -- Carter County 4-H Forestry Team. by *Crowe, *Greer.

Senate Joint Resolution No. 0415 -- Memorials, Death -- Buddy Morgan, former mayor of Columbia. by *Jordan.

Senate Joint Resolution No. 0416 -- Memorials, Public Service -- Madison Kiwanis Club. by *Haynes, *Kyle, *Henry.

Senate Joint Resolution No. 0449 -- Memorials, Retirement -- Senator Lou Patten. by *Atchley, *Albright, *Burks, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis, *Elsea, *Ford, *Gilbert, *Greer, *Hamilton, *Harper, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McKnight, *McNally, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Womack, *Wright, *Wilder.

WEDNESDAY, APRIL 6, 1994 -- EIGHTY-THIRD LEGISLATIVE DAY

MESSAGE FROM THE SENATE
April 6, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1206, 1694, 1761, 1936, 2009, 2014, 2025, 2028, 2073, 2176, 2220, 2484, 2485, 2634, 2666, 2717, 2773 and 2800; also, Senate Joint Resolution(s) No(s). 389, 392 and 407; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS
April 6, 1994

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2458 and 2871.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

CONSENT CALENDAR
April 6, 1994

The following local bills have been placed on the Consent Calendar for Thursday, April 7, 1994: House Bill(s) No(s). 2668 and 2182.

ROLL CALL

The roll call was taken with the following results:

Members present were 93

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, April 7, 1994.